

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUTOMATED FACILITIES
MANAGEMENT CORPORATION
and TANGOPOINT.COM, INC.,

Plaintiffs,

v.

DPSI, IBM CORPORATION and INFOR
GLOBAL SOLUTIONS,

Defendants.

8:08CV502

MEMORANDUM AND ORDER

This matter is before the court on defendant Infor Global Solutions Inc.'s' ("IGSM") motion to dismiss for insufficient service pursuant to Fed. R. Civ. P. 12(b)(4). Filing No. [57](#). In the alternative, IGSM asks this court to quash the process as it relates to them and their related entities. IGSM filed an index in support of its motion to dismiss, Filing No. [59](#), as well as a brief in support of the motion, Filing No. [58](#). The plaintiffs have not responded to the motion.

This case involves allegations of patent infringement. IGSM argues that the summons and amended complaint name Infor Global Solutions as the defendant. IGSM contends, however, that it is one of nine related corporations that exist in Georgia which include the words "Infor Global Solutions" within its corporate name. Filing No. [59](#), Ex. 1.C. Seven of these businesses are all located at the same address. In addition, thirteen other related corporations exist in Delaware and also have the terms "Infor Global Solutions" in their corporate names. Filing No. [59](#), Ex. 1D.

IGSM argues that a defendant corporation has “the right to be accurately named in the process and pleadings of the court; and misnomer [is] properly raised by motion to dismiss. . . . This misnomer principle is most obviously appropriate in cases where plaintiff has sued a corporation but misnamed it.” [*Roberts v. Michaels*, 219 F.3d 775, 778 \(8th Cir. 2000\)](#).

The court agrees with the defendant that it has a right to be properly named and served in the lawsuit. Plaintiffs have offered no indication that they believe they have served the correct party in this case, nor have plaintiffs requested additional time to serve the appropriate party. Accordingly, the court will grant the motion to dismiss as to defendant IGSM.

THEREFORE, IT IS ORDERED that defendant IGSM’s motion to dismiss, Filing No. [57](#), is granted. Infor Global Solutions Inc. is dismissed from this lawsuit.

DATED this 10th day of September, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge